

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11770US03

In the Application of:

AINSWORTH et al.

Serial No. 09/143,503

Filed: August 28, 1998

Patent No. 5,554,121

Issued: September 10, 1996

For: INTRALUMINAL CATHETER WITH
HIGH STRENGTH PROXIMAL
SHAFT



Examiner: J. Yasko Jr.

Group Art Unit: 3763

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JUN 03 1999

TECHNOLOGY CENTER 2000

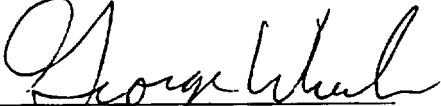
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with
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Recd

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 25, 1999.

By:


George Wheeler
Reg. No. 28,766

Statement Of Timely Mailing (37 CFR 1.8(b))

A Notice of Abandonment (Paper No. 4) was received in connection with this application, stating that "This application is abandoned in view of Applicant's failure to timely file a proper response to the Office letter mailed on 9-15-98 -- Failure to provide missing oath or declaration."

I, the undersigned George Wheeler, a registered patent attorney, hereby attest of my own personal knowledge that the papers necessary to respond to this Office letter were mailed to the PTO on January 4, 1999, and January 11, 1999. This statement is supported by the enclosed papers and by the enclosed copies of post card receipts stamped to indicate receipt of these papers by the PTO.

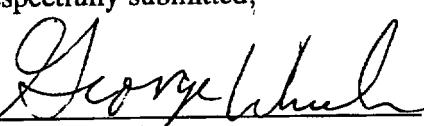
Enclosed herewith are copies of the following papers, including the indicated proof that they were mailed to the PTO:

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JUN 03 1999
TECHNOLOGY CENTER 2000
U.S. PATENT & TRADEMARK OFFICE
WASH. D.C. 20231

| <i>Paper Title</i> | <i>First Class Certificate of Mailing Date</i> | <i>Post Card Receipt: stamped date of receipt by PTO</i> |
|---|--|--|
| Completion Of Filing Requirements | January 4, 1999 | January 6, 1999 |
| Notice To File Missing Parts Of Application Filing Date Granted – Form – PTO 1533 | January 4, 1999 | January 6, 1999 |
| Petition For Extension Of Time | January 4, 1999 | January 6, 1999 |
| Assignee's Statement Under 37 C.F.R. 3.73(b); Assent To Reissue; Offer to Surrender The Original Letters Patent; and Power Of Attorney | January 4, 1999 | January 6, 1999 |
| Declaration For Reissue Patent Application (2) | January 4, 1999 | January 6, 1999 |
| Declaration Of Attorney George Wheeler Supporting Completion Of Filing Requirements | January 4, 1999 | January 6, 1999 |
| Copy of 1-4-99 Post Card <u>without</u> PTO Received stamp and copy of 1-4-99 Post Card <u>with</u> USPTO received stamp dated January 6, 1999 | January 4, 1999 | January 6, 1999 |
| Copy of check No. 31178 in the amount of \$2,094.00 to cover filing fees and extension of time fees. | January 4, 1999 | January 6, 1999 |
| Declaration of George Wheeler 37 C.F.R. § 1.47(a) | January 11, 1999 | January 14, 1999 |
| Copy of 1-11-99 Post Card <u>without</u> PTO Received stamp and copy of 1-11-99 Post Card <u>with</u> USPTO received stamp dated January 14, 1999 | January 11, 1999 | January 14, 1999 |

The Examiner is respectfully requested to withdraw the Notice of Abandonment and return this application to active status.

Respectfully submitted,

By: 
George Wheeler
Reg. No. 28,766
Attorney for applicant(s)

May 25, 1999

DATE

McAndrews, Held & Malloy, Ltd.
34th Floor
500 West Madison Street
Chicago, IL 60661
312/707-8889



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FLING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|--------------------|-----------------------|---------------------------|
|--------------------|--------------------|-----------------------|---------------------------|

09/143-543 08/28/98 AINSWORTH

R 11770

0232/0916

MCANDREWS HELD & MALLOY LTD
500 W MADISON STREET
SUITE 3400
CHICAGO IL 60661

NOT ASSIGNED

3734

DATE MAILED:

09/16/98

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

small entity (statement filed) non-small entity is \$ 1876.

1. The statutory basic filing fee is:

missing.
 insufficient.

790

Missing fees

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27). 956

2. Additional claim fees of \$ 956, including any multiple dependent claim fees, are required.

164 for 2 independent claims over 3.

\$ 792 for 36 dependent claims over 20.

\$ 164 for 2 independent claims over 20.

for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.
 does not cover the newly submitted items.
 does not identify the application to which it applies.
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

George Weller

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

ates
A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Hon. Commissioner of Patents and Trademarks
Sir: Please place the USPTO receipt stamp hereon and
place in outgoing mail to acknowledge receipt of:
Docket No.: 17-1041563
Applicant: AINSLWORTH ET AL
Serial No.: 69/143,503
Date Filed: August 28, 1998
 Transmittal _____
 Fee \$ _____
 Patent Application including:
 Page(s) Cover Sheet
 Page(s) Specification
 Page(s) Claims # _____
 Page(s) Abstract
 Page(s) Drawings Formal Informal
Declaration & POA Signed Unsigned
Amendment _____ Page(s)
Assignment _____ Page(s)
Information Disclosure Statement _____ Page(s)
 Cited Reference Copies
 Trademark Application including Drawing
 Number of Specimens
 Other DECLARATION OF LICENSE
HELD & MALLOY 37 CFR § 1.47(a)
 Certificate of Mailing Dated as below
 Certificate of Mailing By Express Mail

- d. 1-11-99

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place in outgoing mail to acknowledge receipt of:
Docket No.: 17-1041563
Applicant: AINSLWORTH ET AL
Serial No.: 69/143,503
Date Filed: August 28, 1998
 Transmittal _____
 Fee \$ _____
 Patent Application including:
 Page(s) Cover Sheet JAN 14 1999 JC24
 Page(s) Specification
 Page(s) Claims # _____
 Page(s) Abstract
 Page(s) Drawings Formal Informal
Declaration & POA Signed Unsigned
Amendment _____ Page(s)
Assignment _____ Page(s)
Information Disclosure Statement _____ Page(s)
 Cited Reference Copies
 Trademark Application including Drawing
 Number of Specimens
 Other DECLARATION OF LICENSE
HELD & MALLOY 37 CFR § 1.47(a)
 Certificate of Mailing Dated as below
 Certificate of Mailing By Express Mail

Dated 1-11-99

Respectfully: **McANDREWS, HELD & MALLOY, LTD.**
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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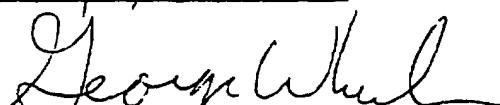


Examiner:

Group Art Unit: 3734

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 4, 1999 GFW

By: 
George Wheeler
Reg. No. 28,766

PETITION FOR EXTENSION OF TIME

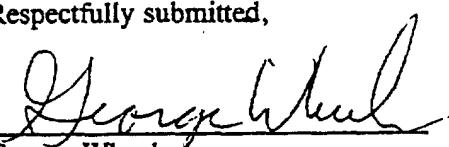
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant requests a TWO-month extension of time for reply to the Action dated September 16, 1998. A response will, therefore, be due on or before January 16, 1999. A check in the amount of \$400.00 is enclosed.

The Commissioner is hereby authorized to charge any deficiency or credit any excess portion of this fee to Deposit Account No. 13-0017.

Respectfully submitted,

By: 
George Wheeler
Reg. No. 28,766
Attorney for applicant(s)

January 4, 1999

DATE

McAndrews, Held & Malloy, Ltd.
34th Floor
500 West Madison Street
Chicago, IL 60661
312/707-8889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AINSWORTH et al.

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Examiner:

Group Art Unit: 3734

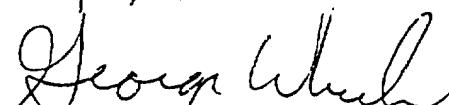
JUN 03 1995

RECEIVED AND FILED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 4, 1999.

By:


George Wheeler
Reg. No. 28,766

COMPLETION OF FILING REQUIREMENTS

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

This replies to the Office letter dated September 16, 1998. A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

Enclosed is a:

- * petition and fee for extension of time (TWO-MONTHS AND \$400.00).
- * ASSIGNEE'S STATEMENT UNDER 37 C.F.R. 3.73(b); ASSENT TO REISSUE; OFFER TO SURRENDER THE ORIGINAL LETTERS PATENT; and POWER OF ATTORNEY.

DECLARATION OR OATH

- * No original declaration or oath was filed and enclosed is an original declaration or oath for this application.

Attached is a:

- * Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.

FEES

Filing fee:

- * Original patent application (37 CFR 1.16(a)-\$760.00; small entity-\$380.00) \$760.00
- * design application (37 CFR 1.16(f)-\$310.00; small entity-\$155.00) \$.00

Fees for claims:

- * each independent claim in excess of 3 (37 CFR 1.16(b)-\$78.00; small entity-\$39.00) \$156.00
- * each claim in excess of 20 (37 CFR 1.16(c)-\$18.00; small entity-\$9.00) \$648.00
- * multiple dependent claim(s) (37 CFR 1.16(d)-\$260.00; small entity-\$130.00) \$.00

Surcharge fees:

- * late payment of filing fee and/or
- * late filing of original declaration or oath (37 CFR 1.16(e)-\$130.00; small entity-\$65.00) \$130.00
- * petition fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(h) and 1.47-\$130.00) \$.00

| | |
|---|-------------------------|
| * fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)- | \$.00 |
| \$130.00 | |
| * fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)-\$130.00) | \$.00 |
| * Petition for Extension of Time - TWO-months | \$400.00 |
| TOTAL FEES | <u>\$2094.00</u> |

PAYMENT OF FEES

* enclosed is a check in the amount of \$2,094.00.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 13-0017.

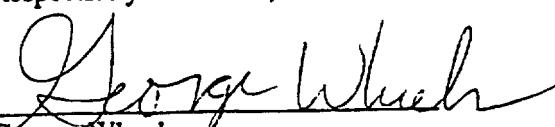
37 CFR 1.16(a), (f) or (g) (filing fees).

37 CFR 1.16 (b), (c) and (d) (presentation of extra claims).

37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application).

37 CFR 1.17 (application processing fees).

Respectfully submitted,

By: 
 George Wheeler
 Reg. No. 28,766
 Attorney for applicant(s)

January 4, 1999

DATE

McAndrews, Held & Malloy, Ltd.
 34th Floor
 500 West Madison Street
 Chicago, IL 60661
 312/707-8889